

## **MINUTES OF PLANNING AND ZONING COMMISSION**

7:00pm, Wednesday, October 15, 2003

Present were Richard Grant, Chair, Marsha Jones, Doug Hill, Tim Healy, Roger Shanks, and Frank Olah. Also present was Tim McCumber, Zoning Administrator.

Grant called the meeting to order. The chair asked if the meeting was properly noticed, which it had been. The minutes of October 7, 2003 were considered. Motion to approve by Jones, seconded by Hill. Motion approved.

The business before the commission was to discuss and consider a pre-concept development plan presented by Brian Kindschi regarding property owned by Kindschi's, Inc. Kindschi explained that seed prices are down and the company is seeking alternative revenue sources and believes they need to sell acreage to continue to operate as a viable entity. Kindschi presented a tax map identifying two options for consideration. The first option was developed by Jim Grothman of Grothman & Associates and would involve developing portions of parcels 0032-00000; 0033-00000; 0029-00000 and 0036-00000. This option would involve creating a long driveway or road off of Hwy. 78 to access the development. This portion of the land is currently in the CRP program and would come off of the program in 4 years and could not be developed until that time. The second option is one developed by Kindschi and would include a large portion of 0034-00000 and a small portion of 0033-00000. Kindschi envisions the divided acreage could be sold for homes that would support small equine farms and would be accessible from Mikana Path, an undeveloped road platted off of Grace Street. Grant mentioned that when looking at future potential development that the potential to hook up to town supplied water or sewer, whether it would ever exist or not, is an important factor for the commission to consider. Grant believes that it is likely that citizen pressure might eventually create a demand for such services, even if that means attempting to take into consideration something that may never occur or could happen in the distant future. Grant stated that he did not favor the Grothman plan because of this consideration and the long access required to get back to the development. Shanks inquired as to the quality of the farmland that is under consideration. Kindschi stated that the property initially was poor in quality for farming needs, however, it has become productive because of the farm methods Kindschi's is applying. Kindschi also noted that the area proposed for equine farms is partly in the CRP program and that none of land will not be taken out of production until they are ready for development which is at least 4 years away. Grant informed Kindschi that the area in question is currently zoned as agriculture use, however, the Town's development plan does call for directing residential development into that corridor. Shanks stated that after he attended Board of Review (referring to Open Book), that he has a better understanding of land use and noted that the tax revenue generated from farmland is very low. Shanks said we should rezone the area for residential use to maximize its tax value and get this property productive on the tax roll. McCumber noted that actual land use and how the property is zoned are two different things when it comes to the assessor determining the assessment value of the property. Kindschi stated that he understands the county's rules for development but did not know the Town of Merrimac's rules. Grant explained that portions of the property would fall into Shoreland Zoning which is a State statute administered by Sauk County and ultimately that is very different from standard zoning as compared to the Town or Sauk County's general zoning ordinances. Grant told the commission that he would rather see this project come in under a Planned Area Development (PAD) as it gives the town more input as to how the property is developed as opposed to a rezone. In addressing Shanks concern over agricultural taxation, Kindschi stated the lower taxation was sold to the citizens as a way to slow growth and preserve agriculture, but it was his opinion that it actually creates better investment opportunities for farmers who desire to sell land. Grant talked about Mikana Path and how it would have to be upgraded and believed that there might be some concern about increased traffic as it goes to Grace Street and Grandview Avenue.

His concern was that the roads might not be designed to handle the traffic that would include larger vehicles and trailers. McCumber asked what the effect of placing equine farms so near to existing residential properties might have. Grant noted that the area could handle more than 100 head of cattle if the owner decided to raise cattle on that parcel and that the effects of 10 or so horses would be far less. Olah questioned the size of parcel needed to raise horses. Kindschi felt the market demand would be better for 5-acre parcels than 10-acre parcels. McCumber noted the ordinance requires 5 acres for livestock. Olah expressed concern regarding the potential waste of space by creating such large parcels and that it was feasible that we could run out of real estate, noting that this has occurred in some townships in the outlying Milwaukee area. Olah believes that this needs to be a long-term consideration when looking at these plans. Kindschi stated he considered the existing residential area when developing this concept. Grant noted that under a PAD we could limit the number of animals per parcel. Kindschi added that he does want some character to the neighborhood and Grant agreed that he would like to stay away from "cookie-cutter development". Grant informed Kindschi that the town would take in to consideration utilities, lot sizes, Lakeshore Zoning, and possibly deed restrictions when considering a PAD. Kindschi stated he would hire engineers when putting together the development plan. McCumber noted that with equine farms, the most the parcel in question could be divided into would be into 5 or 6 lots when considering the outlay of the road. Olah asked Grant about his concerns regarding access. Grant clarified the possible need for cost-sharing or road quality review of the existing roads. With the construction traffic, we need to consider the possibility of expanding the road for access or repairs that would be needed as a result of the heavier traffic on the existing roads. Olah questioned whether or not these larger horse trailers could navigate through the existing subdivision. Shanks noted that Rick Baier has a large horse trailer and gets in and out of there as well as the school bus. McCumber clarified to Kindschi that to proceed from this point, he would need to develop his plans and apply for a PAD permit to move into the next step of the development process. Kindschi noted that his decision might lie in the cost of the roads after the discussion here. Shanks asked if the Grothman option would require a new town road and Grant stated that it could be done as a private drive.

McCumber presented the commission with several amendments to the Town's Zoning Ordinance. **(Note\* ANY PERSON DESIRING MORE INFORMATION REGARDING THE PROPOSED AMENDMENTS MAY REVIEW COPIES OF THE SAME AT THE TOWN POSTING BOARDS LOCATED AT THE TOWN HALL, CHARLIE'S LAKESIDE, OR PALMER'S MANUFACTURING, OR VIEW COPIES ON THE INTERNET AT [HTTP://WWW.TN.MERRIMAC.WI.GOV](http://www.tn.merrimac.wi.gov) OR CALL THE PLANNING & ZONING ADMINISTRATOR AT 608/643-6332 FOR ADDITIONAL INFORMATION.)** Grant and McCumber discussed the proposals with the commission and the justifications for the recommended changes. The first proposal was an amendment to the definition of family. McCumber noted the language was from a legal source and the language has been adopted in several communities as a result of language from a U.S. Supreme Court decision in 1978. Grant added the change would reflect a more accurate definition of a family than what is currently printed. Olah recommended changing the word adoption to legal guardianship to be more inclusive. The board concurred with the change. New definitions were proposed adding definitions to define a camping unit, fixture, and mechanical. McCumber noted the definition of a camping unit would assist in the application of a proposed ordinance to restrict camping in the township. McCumber also noted that while our ordinance exempts requiring a permit for mechanicals and fixtures, the ordinance offers no guidance as to what should be considered a mechanical or a fixture. The addition of this language should provide a clearly defined statement of what requires a permit and what does not. Having discussed the "no camping" ordinance, the commission then discussed a new ordinance requiring park fee of \$485.00 for each proposed dwelling unit within the plat. This provision allows the town to collect fees for park acquisition and maintenance while allowing the town the flexibility of determining where parks shall be placed and where improvements need to be made. A proposal for a new ordinance requiring a Performance Guarantee by developers creating Planned Area

Developments was presented. McCumber noted that each of the PAD's we have approved in the past couple of years have been multi-million dollar developments and that while we have been fortunate to date, there have been no guarantees that promised developments to infrastructure and utilities would be completed to code or be completed at all. This proposal would protect the town in the event a developer goes bankrupt or fails to properly design and construct such improvements. The proposed amendment also creates penalties for developers who fail to comply with or deviate from the conditions of the PAD. Healy expressed concern regarding the application of jail time as a penalty. McCumber noted he had discussed the ordinance proposal briefly with the town planner who did not express any concern over that provision. The commission agreed to delete the language requiring jail time and including language to apply additional penalties as may be allowed by County or State Law. The next ordinance amendment offered language directly from Sauk County Lakeshore ordinance that would give more clarity as to when a non-conforming structure should cease to exist. The next proposal involved cleaning up Section 2.27 to change the word Agency to town and eliminate the requirement of developers providing park space in exchange for development rights. McCumber noted that if the existing ordinance were enforced, the Town does not have the resources to accept any number of parks. By striking this provision and adding the park fee discussed earlier, the Town has the flexibility of determining when and where parks are necessary. The ordinance proposal still requires the developer to provide natural areas within the project to be at least 5% of the developed area to keep the development consistent with the nature of the town. The ordinance allows for a payment in lieu of \$485.00 per lot if the commission or town board agrees the parcel being developed is not adequate for creating natural areas. Motion to recommend all the amendments with the proposed language changes to the Town Board made by Healy, second by Shanks. Motion approved unanimously.

Before moving into the Zoning Administrator's report, Grant wanted to make the commission aware of conversations he had regarding an individual who had inquired about a heliport. Grant informed the commission that the town presently has no jurisdiction over this matter.

McCumber reported that the town has issued 57 building permits totaling a little over \$4.2 million. Of that amount, 15 permits were for new or replacement residential homes valued at \$3.9 million; 8 remodeling projects totaling \$107,000, 3 accessory structures for \$43,000 and 31 miscellaneous permits for a value of \$122,000. Shanks wanted to know how that compared to other years. McCumber believed the number of permits was comparable to recent years but the value of new homes was definitely higher in relationship to previous years.

Motion to Adjourn by Hill, seconded by Jones. Motion carried.

Submitted by Tim McCumber, Zoning Administrator, Secretary